

UNITED STATES DISTRICT COURT **FILED**

for the

District of New Mexico

United States of America)

v.)

Yessica GUTIERREZ)

Defendant(s)

Case No. 16 mj 1078

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

APR 25 2019

MITCHELL R. ELFERS
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/24/2019 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. 841(a)(1) and (b)(1)(A)

Possession w/ Intent to Distribute 500
Grams and More of a Mixture and
Substance Containing a Detectable Amount
of Methamphetamine

18 U.S.C. 924(c)

Possession of a Firearm in Furtherance
of a Drug Trafficking Crime.

This criminal complaint is based on these facts:

Please See Attached Affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 4/25/2019City and state: Albuquerque, NM

 Complainant's signature
 Larry Pantoja, Special Agent, DEA
 Printed name and title


 Judge's signature
 U.S. Magistrate Judge Karen B. Molzen
 Printed name and title

AFFIDAVIT

I, Larry Pantoja, Special Agent of the Drug Enforcement Administration (DEA), being duly sworn, depose and state:

I am a Special Agent (SA) of the Drug Enforcement Administration and have been so employed since October 2015. I am currently assigned to the DEA Albuquerque District Office, specifically assigned to investigate federal drug offenses. I am a law enforcement officer of the United States within the meaning of Title 18, United States Code Section 2510(7), who is empowered to conduct investigations of, and make arrests for, offenses in Title 18 and Title 21 of the United States Code. My experience as a Special Agent includes, but is not limited to, conducting surveillance, interviewing witnesses, debriefing defendants, writing affidavits for and executing search warrants, and working with undercover agents and informants. I have received training in and have experience in the investigation of violations of the federal drug and money laundering laws, including the offenses listed below. As a result, I am familiar with matters including, but not limited to, the means and methods used by persons and drug trafficking organizations ("DTOs") to purchase, transport, store, and distribute drugs and to hide profits generated from those transactions.

The facts set forth in this affidavit are known to me as a result of my investigation and interviews with other agents and law enforcement officers. These are not all the facts known to me throughout the course of this investigation, but rather only those that are essential to establish probable cause for charging a complaint against **Yessica GUTIERREZ** for the federal violations listed herein.

This Affidavit is made in support of the issuance of a Criminal Complaint charging **Yessica GUTIERREZ** with a violation of Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), that being Possession with Intent to Distribute 500 Grams and More of a Mixture and Substance Containing a Detectable Amount of Methamphetamine; and a violation of Title 18 U.S.C. § 924(c), that being Possession of a Firearm in Furtherance of a Drug Trafficking Crime.

PROBABLE CAUSE

On April 24, 2019, at approximately 4:36 p.m., law enforcement agents/officers executed a Federal search warrant at the residence located at 709 Cromwell Avenue SW, Unit #A, Albuquerque, New Mexico. **GUTIERREZ** was located there and arrested at that time. No other people were found inside the residence.

A search of the residence located over 500 grams of a crystal-like substance found in two containers within **GUTIERREZ**'s bedroom. Agents later field-tested the crystal-like substances, both of which tested positive for the presence of methamphetamine. The total weight of suspected methamphetamine discovered within the bedroom was approximately 652 gross grams (including packaging). In my training and experience this amount is not consistent with personal use and is consistent with distribution.

Within the residence, Agents also located documents and other items indicating **GUTIERREZ** resides at 709 Cromwell Avenue SW, Unit #A, Albuquerque, New Mexico.

Agents also seized a Springfield XD-40, .40 caliber pistol with a loaded magazine containing four (4) .40 caliber cartridges. This pistol was found under **GUTIERREZ**'s bedroom mattress. I know that drug traffickers keep small firearms, such as a pistol, close by in order to guard against theft/robbery from other drug traffickers. Firearms are common tools of the drug trafficking trade.

An Arsenal 7.62x39 caliber semi-automatic rifle was also located in the living room area of **GUTIERREZ**'s residence. Also located were: one cellular telephone, digital scales, detailed drug ledgers, money wire transfer receipts, and packaging material. In my training and experience, it is common for individuals involved in drug trafficking to utilize multiple scales and packaging material to prepare illegal drugs for distribution.

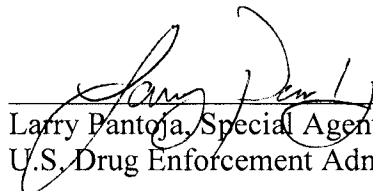
Contained within the ledgers, agents discovered a handwritten document that contained numbered items which included: #6 Don't keep work in your house can't eat where you shit; #10 Never talk on the phone about business; #22 Keep scale and hands clean; #44 Get a gun; #45 Learn to shoot learn to control a gun.

Based on my training and experience, both the Springfield XD-40 and the Arsenal semi-automatic rifle appear to be in operable condition.


Based on the aforementioned information, there is probable cause to believe that **Yessica GUTIERREZ**, on April 24, 2019, committed a violation of Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), that being Possession with Intent to Distribute 500 Grams and More of a Mixture and Substance Containing a Detectable Amount of Methamphetamine; and a violation of Title 18 U.S.C. § 924 (c), that being Possession of a Firearm in Furtherance of a Drug Trafficking Crime.

All of these events occurred in Bernalillo County, in the District of New Mexico.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Larry Pantoja, Special Agent
U.S. Drug Enforcement Administration

Sworn before me on this the 25th day of April, 2019


The Honorable Karen B. Molzen
United States Magistrate Judge